

Remarks

In the final office action mailed February 19, 2010, the Examiner maintained the rejections of claims 14, 16, 17, 20, and 21 under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent No. 6,016,424 (Hicks). Further, the Examiner allowed claims 18, 32, and 33.

Applicant has cancelled claims 14, 16, 17, 20, and 21, thus rendering the objection of those claims moot.

Now pending are claims 18, 32, and 33, all of which are allowed. Thus, Applicant looks forward to receiving a notice of allowance.

By cancelling claims 14, 16, 17, 20, and 21, Applicant does not acquiesce in the rejections of those claims. (At a minimum, Applicant submits that the Examiner clearly erred in asserting that Hicks teaches the claim 14 feature of creating the electronic message only after determining that the expected delay for delivering the electronic message by a message gateway is less than the threshold delay.) Applicant thus specifically reserves the right to pursue in a continuation application the subject matter of these cancelled claims and the subject matter of any other earlier presented claims.

If the Examiner would like to discuss this case with the undersigned, the Examiner is invited to call the undersigned at (312) 913-2141.

Respectfully submitted,
McDONNELL BOEHNEN
HULBERT & BERGHOFF LLP

Date: April 15, 2010

By: /Lawrence H. Aaronson/
Lawrence H. Aaronson
Reg. No. 35,818